

APPENDIX V

**TITLE VI NONDISCRIMINATION
AND
LIMITED ENGLISH PROFICIENCY
REQUIREMENTS**

This appendix must be completed and returned as part of your application packet.

If your agency completed the required Title VI Plan in 2013, it is good for three years. Please just make reference in application.

Title VI Program

[Insert agency name here]

Adopted Date

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TITLE VI PROGRAM QUESTIONNAIRE

*The Federal Transit Administration (FTA) requires all recipients of FTA assistance to develop a Title VI program. This is a new requirement. In the past, the WVDPT's program covered the State and its grantees. Now, each grantee must have its own program. To help you develop a Title VI program, the WVDPT has developed this questionnaire, after which reviewed and accepted by the WVDPT, will become your Title VI program. **Prior to submitting with 5310 Application, you will be required to submit the completed questionnaire to your Board or council for approval and then provide evidence of the approval (copy of Board or council minutes approving and adopting plan) to the WVDPT.***

NOTICE TO THE PUBLIC

FTA requires that each grantee notify the public of its rights under Title VI and include the notice and where it is posted in the Title VI program. The notice must include:

- *A statement that the agency operates programs without regard to race, color, and national origin*
- *A description of the procedures that members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations*
- *A description of the procedures that members of the public should follow in order to file a discrimination complaint against the grantee*

The notice can be a separate document, such as a posted sign, a statement that is in another document, or a stand-alone document, such as a Title VI brochure.

Attachment A *presents two notices developed by WVDPT, a longer "stand-alone" statement and a shorter statement that can be included in documents, such as a service brochure or as a placard in the van. The WVDPT will supply copies of the notices that should be placed in your vehicles.*

An agency should post the longer Title VI notice on its website and in the reception area or public meeting spaces of its offices.

We recommend that you post the longer notice in your office in an inexpensive frame.

1. Please provide a copy of **your** Title VI notice(s).
2. Where are the notices posted?
3. Have you posted a Title VI notice on your website and in the reception area or the public meeting spaces of your office? If posted on website, please provide website address.

COMPLAINT INSTRUCTIONS AND FORM

*FTA requires each grantee to have instructions for the public to follow and a form for the public to use for filing a Title VI complaint. The WVDPT has developed for you the form and procedures for filing a Title VI complaint. **Attachment B** presents the sample form and procedures.*

4. Please provide a copy of **your** agency's complaint form and procedures.

TITLE VI COMPLAINTS, INVESTIGATIONS AND LAWSUITS

FTA requires that the Title VI program include a list of transit-related Title VI complaints, investigations, and lawsuits. WVDPT obtains this information with grant applications. Please note that EEO and ADA complaints are not Title VI complaints so do not list them. If you are part of a city, county, or human service agency, only list Title VI complaints, investigations, or lawsuits related to transportation services.

5. Have you had any Title VI complaints, investigations, or lawsuits related to your transportation services? If yes, please complete the following table.

Type	Date	Summary	Status	Action(s) Taken
Complaints				
Investigations				
Lawsuits				

PUBLIC PARTICIPATION ELEMENT

FTA requires that the Title VI program include a public participation plan that includes an outreach plan to engage minority and limited English proficient (LEP) populations. The plan may include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others. Applicants to WVDPT for FTA assistance are required to comply with several requirements that help meet this Title VI requirement. These requirements include the published notice of intent to apply to WVDPT for FTA assistance and participation in the public transit-human services transportation coordinated plan development. Other public participation methods include open Board/ council meetings, council meetings of cities and counties that provide local funding, advisory committees, public involvement efforts for transportation services, passenger surveys, marketing efforts, such as booths at fairs, and presentations to service and other organizations.

6. Are Board/council meetings open to the public?
7. How do you publicize the dates, times, and locations of Board/council meetings?
8. Where are Board/council meetings held?
9. Is the location accessible to persons with disabilities?
10. Is the location served by your agency's transportation services during the hours Board/council meetings are held? If yes, please describe. If not, do you offer transportation to the meetings upon request?
11. What other efforts do you undertake to ensure that transportation riders or clients can attend Board/council meetings?
12. Do you rely on any counties or cities for funding? If yes, please describe how interested parties can comment on your budget and services at city and town council meetings.
13. Discuss any other outreach efforts, including transportation advisory committees, procedures for soliciting comments for service changes, passenger surveys, public involvement for transportation services, presentations, etc.

LIMITED ENGLISH PROFICIENCY (LEP) ELEMENT

FTA requires that the Title VI program include a plan for providing language assistance to LEP persons. An LEP person is someone who speaks English less than very well. To document what languages are spoken by LEP persons and to help determine what language assistance efforts you should undertake, FTA requires that you analyze the following four factors:

- *the number and proportion of LEP persons served or encountered in your service area*
- *the frequency with which LEP individuals come into contact with your transportation service*
- *the nature and importance of your transportation service*
- *the language assistance resources potentially available to assist LEP persons*

By completing this questionnaire, you will have completed the required four-factor analysis.

The primary source data on LEP populations is the U.S. Census. We have provided a table for you to fill with Census data. To look up the 2010 Census data:

- Go to [US Census Fact Finder](#)
- Search each county or city in your service area
- Select American Community Survey “Education, Marital Status, Relationships, Fertility,.....”
- Scroll down to “language spoken at home”

Please add columns, if needed.

Table 1 2010 Census Numbers for LEP Persons Residing within the Service Area					
Population 5 Years and Over by Language Spoken at Home and Ability to Speak English	City/County 1	City/County 2	City/County 3	Total	Percentage of Population 5 Years and Older
Population 5 Years and Over					
Speak English less than “very well”					
Spanish					
Speak English less than “very well”					
Other Indo-European					
Speak English less than “very well”					
Asian and Pacific Island					
Speak English less than “very well”					
All Other					
Speak English less than “very well”					

Survey your staff, including van drivers, reservationists/dispatchers, customer service agents, and office personnel, to determine the frequency of contact with LEP persons, what languages are spoken by these persons, and the foreign languages they speak and/or understand. Attachment C presents a sample survey

form. After conducting the survey, please complete the following table. If conducting the survey and completing the table does not make sense for you, please discuss the frequency of contact with LEP persons and the languages spoken by these persons in the space provided below.

Table 2 Frequency of Contact with LEP Persons	
Frequency	Language Spoken by LEP Persons
Daily	
Weekly	
Monthly	
Less frequently than monthly	

14. If you have not completed Table 2, discuss the frequency of contact with LEP persons and the languages spoken by these persons. (Section 5310 applicants only)

Conduct a telephone survey of organizations, such as municipalities, tribes, police departments, school systems, major employers, human service agencies, and churches, to find out if they encounter people with language assistance needs, what languages these people speak, and what language assistance efforts they are undertaking. Attachment D presents a sample survey form.

15. What outside organizations did you survey?

16. Do any of these organizations encounter people with language assistance needs? If yes, what languages do these people speak?

17. Provide a description of your service (type, days and hours) and list the major activity centers served (communities, employers, Rail Runner stations, park and ride lots, government and human service agencies, medical facilities, shopping centers, and recreational facilities).

18. Discuss trip purpose from passenger surveys or transportation development plans, if conducted.

19. Does staff speak foreign languages? If so, what languages? Do you use staff to translate?
20. Have you translated documents into Spanish or another language? If yes, please list the documents and the languages they are translated into.
21. Do you use Google Translate for your web site? If yes, what languages?
22. What other language assistance efforts are you undertaking?
23. Have you made arrangements with other organizations to provide language assistance efforts? If yes, what organizations and what services?
24. How are LEP persons notified of language assistance services?
25. Discuss outreach programs, such as travel training, school presentations, and community presentations and if these efforts potentially reach LEP persons.
26. Describe how language assistance efforts are monitored, evaluated, and updated.
27. Describe how employees are trained in language assistance efforts.

PLANNING AND ADVISORY BOARDS

FTA requires that the Title VI program present the racial make-up of all transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, and a description of the efforts to encourage the participation of minorities on such committees.

28. List all of your transit-related advisory boards and committees and the purpose of each.
29. How are members selected?

30. What is the racial makeup of each board and committee?

31. What efforts are undertaken to encourage participation of minorities on these committees?

Attachment A
Title VI Notice to the Public

Long Title VI Notice

Your Rights Under Title VI

[Agency] operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the 1964 Civil Rights Act. Any person who believes that she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with our agency.

Any such complaint must be in writing and filed with this agency within 180 days following the date of the alleged discriminatory occurrence. For information on our nondiscrimination obligations or how to file a complaint, please contact (Agency's name) by any of the methods listed below.

Agency Name and Address

Phone

Fax

Email

If this information is needed in another language, please contact us.

Short Title VI Notice

[Agency] operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the 1964 Civil Rights Act. To find out more about our nondiscrimination obligations, to file a complaint, or to request this information in another language, please contact us at [phone].

SAMPLE
(Agency Name) TITLE VI COMPLAINT FORM

PLEASE PRINT if you are not completing the on-line version of this form.

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Attachment B
Title VI Complaint Form and Procedures

8. Date of Alleged Discrimination (Month, Day, Year):		
9. Where did the Alleged Discrimination take place?		
10. Explain as clearly as possible what happened and why you believe that you were discriminated against. Describe all of the persons that were involved. Include the name and contact information of the person(s) who discriminated against you (if known). <i>Use the back of this form or separate pages if additional space is required.</i>		
11. Please list any and all witnesses' names and phone numbers/contact information. <i>Use the back of this form or separate pages if additional space is required.</i>		
12. What type of corrective action would you like to see taken?		
13. Have you filed a complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes If yes, check all that apply <input type="checkbox"/> No a. <input type="checkbox"/> Federal Agency (List agency's name) b. <input type="checkbox"/> Federal Court (Please provide location) c. <input type="checkbox"/> State Court d. <input type="checkbox"/> State Agency (Specify Agency) e. <input type="checkbox"/> County Court (Specify Court and County) f. <input type="checkbox"/> Local Agency (Specify Agency)		
14. Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		Title:
Agency:		Telephone ()
Address:		
City:		State:
Code:		Zip

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date is required:

Signature _____

Date _____

If you completed Questions 4, 5 and 6, your signature and date is required

Signature _____

Date _____

Attachment B
Title VI Complaint Form and Procedures

SAMPLE
(Your agency's name)
Title VI Procedures

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Any person who believes that he/she has been aggrieved by an unlawful discriminatory practice on the basis of race, color or national origin by (insert your agency's name) may file a complaint by completing and submitting (your agency's name) the Title VI Complaint form.

How do you file a complaint?

You may download the (your agency's name) Title VI Complaint Form at (give web address), or request a copy by writing or phoning (list your agency's full name, address and phone number).

You may file a signed, dated and written complaint no more than 180 days from the date of the alleged incident. The complaint should include:

- Your name, address and telephone number. (See Question 1 of the Complaint Form)
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information. (See Questions 7, 8, 9, and 10 of the Complaint Form)
- The names of any persons, if known, whom the director could contact for clarity of your allegations. (See Question 11 of the Complaint Form)

Please submit your complaint form to address listed below:

Director
Your agency's name and address

How will your complaint be handled?

(Your agency's name) investigates complaints received no more than 180 days after the alleged incident. (Your agency's name) will process complaints that are complete. Once a completed complaint is received, (Your agency's name) will review it to determine if (your agency's name) has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by (your agency's name).

Attachment B
Title VI Complaint Form and Procedures

(Your agency's name) will generally complete an investigation within 90 days from receipt of a completed complaint form. If more information is needed to resolve the case, (your agency's name) may contact the complainant. Unless a longer period is specified by (your agency's name), the complainant will have ten (10) days from the date of the letter to send requested information to the (your agency's name) investigator assigned to the case.

If (your agency's name) investigator is not contacted by the complainant or does not receive the additional information within the required timeline, (your agency's name) may administratively close the case. A case may be administratively closed also if the complainant no longer wishes to pursue their case.

After an investigation is complete, (your agency's name) will issue a letter to the complainant summarizing the results of the investigation, stating the findings and advising of any corrective action to be taken as a result of the investigation. If a complainant disagrees with (your agency's name) determination, he/she may request reconsideration by submitting a request in writing to (your agency's name) director (or the appropriate title) within seven (7) days after the date of (your agency's name) letter, stating with specificity the basis for the reconsideration. The director (or the appropriate title) will notify the complainant of his decision either to accept or reject the request for reconsideration within 10 days. In cases where reconsideration is granted, the director (or the appropriate title) will issue a determination letter to the complainant upon completion of the reconsideration review.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, then contact (your agency's name) at (phone number).

Attachment C
Staff LEP Survey Form

STAFF LEP SURVEY

[Agency] is studying the language assistance needs of its riders so that we can better communicate with them and increase ridership. Please complete the following survey and return it to X by X.

How often do you come into contact with passengers who do not speak English or have trouble understanding you when you speak English to them? (Circle one)

Daily Weekly Monthly Less frequently than monthly

What languages do these passengers speak? Please list.

What other foreign languages do you understand or speak?

Would you be willing to serve as a translator when needed?

Attachment C
Staff LEP Survey Form

OUTSIDE ORGANIZATION LEP SURVEY

Organization:

What language assistance needs are encountered?

What languages are spoken by persons with language assistance needs?

What language assistance efforts are you undertaking to assist persons with language assistance needs?

When necessary, can we use these services?

Would you like information on transportation services?